

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 4, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 27, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated September 27, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. Introduction of Matt Carlson, President of the Lincoln Chamber of Commerce.

Wendy Birdsall, Convention and Visitors Bureau, introduced Matt Carlson, President and Chief Executive Officer of the Chamber of Commerce.

Carlson stated he looks forward to getting to know the County Board and that the Chamber of Commerce and its many affiliates are ready to be part of the solution.

B. The Commissioners' Award of Excellence for September, 2005 was presented to Regina Gloyne, an employee with Lancaster Manor.

3) **CLAIMS: Approval of all claims processed through Tuesday, October 4, 2005.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through October 4, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Vacation of a portion of South 162nd Street located in the Southwest Quarter of Section 26, Township 9 North, Range 8 East, of the 6th P.M., in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify.

The oath was administered to John McMahon, 9500 South 162nd Street, Bennet, Nebraska.

McMahon stated he was one of the applicants to vacate the road and indicated he has been maintaining it.

Heier asked McMahon if he was aware that the County Board has asked for a plan for the north side of Highway 2 which would include the land up to 162nd Street.

McMahon responded he was aware of the study regarding the concrete plant.

Heier indicated he would be reluctant to vacate the property until they know what will happen in the area.

In response to a question asked by Hudkins, Larry Worrell, County Surveyor, indicated the proposed vacation does not extend beyond the McMahon property.

Discussion followed regarding future development of 148th Street and 162nd Street.

The oath was administered to Doreen Jose, 8900 South 162nd Street, Bennet, Nebraska.

Jose stated if the portion of 162nd Street were vacated it would add one-quarter of an acre to their property which they would use for farming.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

The oath was administered to Mike DeKalb, Planning Department.

DeKalb explained the realignment of 148th Street and the possible realignment/redesign of 162nd Street by the State Department of Roads, indicating that it may be possible for the piece of right-of-way to be used as an access service road.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

Kristy Mundt, Deputy County Attorney, explained that state statute indicates that the County Board is to take action, by resolution, at its next meeting.

MOTION: Heier moved and Stevens seconded to place on pending the vacation of a portion of South 162nd Street located in the Southwest Quarter of Section 26, Township 9 North, Range 8 East, of the 6th P.M., in Lancaster County, Nebraska.

Discussion followed regarding a policy that pending items be removed from the agenda at the end of the calendar year.

Heier withdrew his motion, however, Stevens, as the seconder, did not concur.

ROLL CALL: Stevens, Heier, Schorr and Hudkins voted aye. Workman voted no. Motion carried.

B. County Change of Zone No. 5058, a proposed text amendment to the Lancaster County Zoning Resolution, requested by the Director of Planning, amending Section 4.017 of Article 4 "AG Agricultural District", to add a provision to allow two smaller lots to be split out of a 40-acre parcel. (See New Business Item 5A for correlating documentation.)

The Chair opened the public hearing.

DeKalb appeared and briefly explained the change of zone indicating that the amendment would provide more flexibility in the creation of acreage lots by making a provision to allow two smaller lots to be split out of a forty-acre tract.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

- C. County Special Permit No. 05038, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (A two week continuance is requested by the applicants.)**
- D. County Special Permit No. 05039, Wagon Train Estates Community Unit Plan requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage units with associated waiver requests on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (A two week continuance is requested by the applicants.)**
- E. County Preliminary Plat No. 05013, Wagon Train Estates, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage lots on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (A two week continuance is requested by the applicants.)**

The Chair noted there was a request to hold Public Hearing Items 4C, 4D and 4E for two weeks.

Stevens suggested that the hearings be opened to take any testimony and then recess for two weeks.

The Chair asked if anyone wished to appear.

No one appeared and the hearings were held for two weeks.

5) **NEW BUSINESS:**

- A. A resolution in the matter of County Change of Zone No. 05058, a text amendment to the Lancaster County Zoning Resolution, to add a provision to allow two smaller lots to be split out of a 40-acre parcel in the AG Agricultural District. (R-05-0125)**

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0125 in the matter of County Change of Zone No. 05058, a text amendment to the Lancaster County Zoning Resolution, to add a provision to allow two smaller lots to be split out of a 40-acre parcel in the AG Agricultural District. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

- B. A resolution in the matter of striking uncollectible property tax from the tax list. (R-05-0126)**

MOTION: Workman moved and Stevens seconded approval of a Resolution 05-0126 in the matter of striking uncollectible property tax from the tax list. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- C. A resolution in the matter of County maintenance of approximately 1,376 feet of South 84th Street Place and approximately 369 feet of Carlson Court located in Hilltop Estates. (R-05-0127)**

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0127 in the matter of County maintenance of approximately 1,376 feet of South 84th Street Place and approximately 369 feet of Carlson Court located in Hilltop Estates. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

- D. A resolution in the matter of establishing a policy regulating animals in Lancaster County buildings. (R-05-0128)**

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0128 in the matter of establishing a policy regulating animals in Lancaster County buildings. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. An agreement between Lancaster County and Lincoln Medical Education Partnership (LMEP) for a six-month pilot project to allow individuals who are established patients of LMEP and who subsequently become eligible for General Assistance to continue to receive medical care at LMEP. LMEP agrees to provide medical services to covered patients in accordance with established County General Assistance protocols and accept payments for such services at the Medicaid rate used by the County. Term of the agreement is August 1, 2005 through January 31, 2006. (C-05-0498)

MOTION: Schorr moved and Stevens seconded approval of an agreement between Lancaster County and Lincoln Medical Education Partnership (LMEP) for a six-month pilot project to allow individuals who are established patients of LMEP and who subsequently become eligible for General Assistance to continue to receive medical care at LMEP. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

F. An amendment to an agreement with the Law Office of Joy Shiffermiller under County Contract C-04-0002 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. The contractor has asked that Patrick Driver be formally authorized to provide services under the original agreement. As a result, the parties wish to amend the agreement to reflect such change. (C-05-0499)

MOTION: Heier moved and Workman seconded approval of an amendment to an agreement with the Law Office of Joy Shiffermiller under County Contract C-04-0002 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

G. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,056.53. The policy period begins on November 1, 2005 and ends on November 1, 2006.

MOTION: Stevens moved and Heier seconded approval of liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,056.53. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. Authorization for Paula Stutheit of the Lincoln-Lancaster County Personnel Department as a plan contact for the administration of Lancaster County's group health plan with Blue Cross and Blue Shield of Nebraska and to have access to group health plan information under the Health Insurance Portability and Accountability Act (HIPAA). (C-05-0500)

MOTION: Stevens moved and Workman seconded approval of authorization for Paula Stutheit of the Lincoln-Lancaster County Personnel Department as a plan contact for the administration of Lancaster County's group health plan with Blue Cross and Blue Shield of Nebraska and to have access to group health plan information under the Health Insurance Portability and Accountability Act (HIPAA). Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

I. Setting of salary for Elizabeth Elliott, as a Deputy Public Defender, for \$51,642, effective October 3, 2005.

MOTION: Heier moved and Workman seconded approval of setting of salary for Elizabeth Elliott, as a Deputy Public Defender, for \$51,642, effective October 3, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

J. Establishment of a policy providing parameters of eligibility for the Lancaster County Pretrial Release Program.

MOTION: Stevens moved and Schorr seconded approval of the establishment of a policy providing parameters of eligibility for the Lancaster County Pretrial Release Program.

Gary Lacey, County Attorney, stated the following Class II felonies would be could be accepted into the Pretrial Release Program for electronic monitoring:

- ▶ Kidnaping
- ▶ Distribution of exceptionally hazardous drugs over three ounces which would include methamphetamine
- ▶ First degree sexual assault
- ▶ Second offense distribution of child pornography
- ▶ Robbery
- ▶ First degree assault on a police officer
- ▶ Attempted first degree murder and attempted second degree murder

5) **NEW BUSINESS CONTINUED:**

- ▶ Second offense sexual assault of a child
- ▶ First degree arson
- ▶ Attempted murder of an unborn child
- ▶ Using explosives with the intent to kill or injure others where injury occurs
- ▶ Second offense using explosives to commit a felony

Lacey stated he feels that anyone charged with a Class II Felony should be in jail and not eligible for electronic monitoring. He stated if the County Board approves the policy they should set strict standards to give the judges some guidance.

ROLL CALL: Schorr and Stevens voted aye. Workman, Heier and Hudkins voted no. Motion failed.

K. A political subdivision tort claim filed against the Lancaster County Corrections by Tina Simpson for lost property, in the amount of \$50.

MOTION: Heier moved and Workman seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Lancaster County Corrections by Tina Simpson for lost property, in the amount of \$50. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Kenneth Harris for lost property, in the amount of \$80.

MOTION: Workman moved and Schorr seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Kenneth Harris for lost property, in the amount of \$80. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of public hearings for Tuesday, October 11, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

6) **CONSENT ITEMS CONTINUED:**

1. Amending of County Resolution 02-0030 regulating On-Site Wastewater Treatment Systems.

2. Amending of County Resolution 02-0031 in the matter of Design Standards for Operation and Maintenance of On-Site Wastewater Treatment Systems.

B. Request from Rebecca Mianulli, an employee at the Lancaster County Community Mental Health Center, to voluntarily participate in the County's retirement plan having met the requirements.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ **Michael and Marjean McIntyre on North 190th Street south of Holdrege Street; Project C. P. J-262. This is a donation. (C-05-0496)**
- ▶ **Murrel and Kathleen Stevens, in the amount of \$412.85, at Southwest 2nd Street and Panama Road; Project C55-W-403(2). (C-05-0497)**

MOTION: Schorr moved and Stevens seconded approval of the Consent Items. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:40 p.m.. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 6, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:40 p.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 27, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated September 27, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 41 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Workman moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **APPEAL OF PENALTY ASSESSED ON PERSONAL PROPERTY FOR THE FOLLOWING:**

Jackpot Convenience

Norm Agena, County Assessor/Register of Deeds, briefly explained the appeal. Recommendation was denial.

MOTION: Heier moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal of penalty assessed on personal property for Jackpot Convenience. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

Roger Pickering (Parcel I.D. # 13-03-300-001-000)

Roger Pickering (Parcel I.D. # 13-04-400-002-000)

Agena gave a brief explanation of the notices indicating the property owner has 30 days to protest the valuation after receipt of the notice.

MOTION: Stevens moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds to send notices of assessed valuation change for property taxation purposes to Roger Pickering (Parcel I.D. Nos. 13-03-300-001-000 and 13-04-400-002-000). Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:44 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk